

1 DANIEL G. BOGDEN
2 United States Attorney
3 Nevada Bar No. 2137
4 DANIEL D. HOLLINGSWORTH
5 Assistant United States Attorney
6 Nevada Bar No. 1925
7 Lloyd D. George United States Courthouse
8 333 Las Vegas Boulevard South, Suite 5000
9 Las Vegas, Nevada 89101
10 Telephone: (702) 388-6336
11 Facsimile: (702) 388-6787
12 E-mail: Daniel.Hollingsworth@usdoj.gov
13 Counsel for the United States of America

14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

27 UNITED STATES OF AMERICA,)
28)
29 Plaintiff,)
30)
31 v.) 2:08-CV-1061-RLH (GWF)
32)
33 \$36,301.00 IN UNITED STATES CURRENCY,)
34)
35 Defendant.)

DEFAULT JUDGMENT OF FORFEITURE

36 1. The United States filed a Verified Amended Complaint for Forfeiture in Rem on January
37 29, 2010. Docket #11.¹ The Verified Amended Complaint (#11) alleges the defendant property:
38
39 a. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
40 § 1956(a)(1), or is property traceable to such property, and is subject to
41 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
42
43 b. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
44 § 1956(a)(2), or is property traceable to such property, and is subject to
45 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);

¹The docket # will be to this case. Where the docket number cites to the criminal case, 2:09-CR-28-RLH (GWF), CR will be in front of the document number.

- 1 c. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
2 § 1957, or is property traceable to such property, and is subject to forfeiture
3 pursuant to 18 U.S.C. § 981(a)(1)(A);
4 d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
5 § 1084 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092,
6 and 465.093, specified unlawful activities as defined in 18 U.S.C. §§
7 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
8 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
9 e. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
10 § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A)
11 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
12 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
13 f. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
14 § 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A)
15 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
16 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
17 g. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
18 § 1952(a)(1) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010,
19 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§
20 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
21 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
22 h. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
23 § 1952(a)(3) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010,
24 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§
25 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
26 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

- 1 i. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
2 § 1955 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092,
3 and 465.093, specified unlawful activities as defined in 18 U.S.C. §§
4 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
5 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
6 j. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
7 § 1956(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§
8 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
9 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
10 k. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
11 § 1956(a)(2), a specified unlawful activity as defined in 18 U.S.C. §§
12 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
13 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
14 l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C.
15 § 1957, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A)
16 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
17 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
18 m. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such
19 violations, or is traceable to any such violations or conspiracy, and is subject
20 to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and
21 n. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such
22 violations, or is traceable to any such violations or conspiracy, and is subject
23 to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

24 It appearing that process was fully issued in this action and returned according to law;

25 ...

26 ...

1 On February 12, 2010, this Court entered an Amended Order for Amended Summons and
2 Warrant of Arrest in Rem for the Property and Amended Notice and issued the Amended Summons
3 and Warrant of Arrest in Rem for the Property. #12 and #13.

4 Pursuant to the Amended Order (#12), the Verified Amended Complaint (#11), the Amended
5 Order (#12), the Amended Summons and Warrant of Arrest in Rem for the Property (#13), and the
6 Amended Notice of Complaint for Forfeiture (#15, p.3-4) were served on the defendant property, and
7 the Amended Notice of Complaint for Forfeiture was published according to law. #14. All persons
8 interested in the defendant property were required to file their claims with the Clerk of the Court no
9 later than 60 days after the first day of publication on the United States official internet forfeiture site,
10 www.forfeiture.gov, or within 35 days of actual notice of this action, as applicable, followed by the
11 filing of an answer to the Complaint within 20 days after the filing of their respective claims. #11,
12 #12, #13, #14, and #15.

13 Public notice of the forfeiture action was given to all persons and entities on the official
14 government internet forfeiture site, www.forfeiture.gov, from February 13, 2010 through March 14,
15 2010. #14.

16 On March 9, 2010, the United States Customs and Border Protection served the Amended
17 Complaint, the Amended Summons and Warrant of Arrest in Rem for the Property, the Amended
18 Order, and the Amended Notice by executing them on the defendant property. #15.

19 On March 19, 2010, the Notice of Filing Proof of Publication and Return on Service of
20 Process was filed. #14 and #15.

21 On February 18, 2009, this Court entered a Plea Memorandum as to Jeffrey Jelinsky
22 in the District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil
23 judicial forfeiture or the criminal forfeiture and waived service of process of any documents filed in
24 any action or any proceedings concerning the \$90,257.87 IN UNITED STATES CURRENCY. This
25 Court also entered a Preliminary Order of Forfeiture as to Jeffrey Jelinsky forfeiting the \$90,257.87
26 in United States Currency. CR #10 and CR #12.

1 On February 18, 2009, this Court entered a Plea Memorandum as to Michael Jelinsky
2 in Court Case No. 2:09-CR-28-RLH (GWF) where he agreed to the civil judicial forfeiture or the
3 criminal forfeiture and waived service of process of any documents filed in any action or any
4 proceedings concerning the \$90,257.87 in United States Currency. This Court also entered a
5 Preliminary Order of Forfeiture as to Michael Jelinsky forfeiting the \$90,257.87 in United States
6 Currency. CR #11 and CR #13.

7 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
8 Stipulation for Entry of Order of Forfeiture as to Barbara Jelinsky, and Order. #19.

9 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
10 Stipulation for Entry of Order of Forfeiture as to Leigh A. Jelinsky, and Order. #20.

11 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
12 Stipulation for Entry of Order of Forfeiture as to Kristie Gulia, and Order. #21.

13 No person or entity has filed a claim, answer, or responsive pleading within the time
14 permitted by 18 U.S.C. § 983(a)(4), Fed. R. Civ. P. Supp. Rule C(6), and Fed. R. Civ. P. Supp. Rule
15 G(4)(b) and (5).

16 On April 14, 2010, the United States filed a Request for Entry of Default, Declaration in
17 Support of Request for Entry of Default, and Proposed Default against the defendant property and all
18 persons or entities who claim an interest in the defendant property in the above-entitled action. #22.

19 On April 15, 2010, the Clerk of the Court entered a Default against the defendant property
20 and all persons or entities who claim an interest in the defendant property in the above-entitled action.
21 #23.

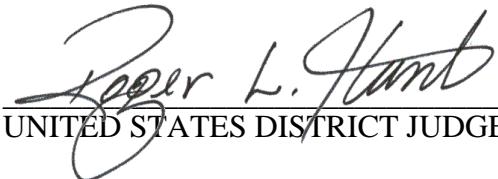
22 The allegations of the Complaint are sustained by the evidence and are adopted as findings
23 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
24 in the Complaint.

25 ...
26 ...

1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
2 Default Judgment of Forfeiture be entered against the defendant property and all persons or entities
3 who claim an interest in the defendant property in the above-entitled action.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
5 same is hereby forfeited to the United States of America, and no right, title, or interest in the property
6 shall exist in any other party.

7 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
8 cause for the seizure or arrest of the defendant property.

9
10 
11 UNITED STATES DISTRICT JUDGE

12 DATED: April 19, 2010

13
14
15
16
17
18
19
20
21
22
23
24
25
26